

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE: TESTOSTERONE)
REPLACEMENT THERAPY) **Case No.**
PRODUCTS LIABILITY LITIGATION) **MDL No. 2545**

THIS DOCUMENT RELATES TO ALL CASES

**APPLICATION OF ROBERT M. FOOTE FOR APPOINTMENT TO BE LEAD
COUNSEL or CO-LEAD COUNSEL**

Robert M. Foote, Managing Partner of Foote, Mielke, Chavez & O'Neil, LLC, submits this application to be appointed as Lead Counsel or Co-Lead Counsel. I am counsel of record in *Mayo v. AbbVie Inc.*, *Abbott Laboratories, Inc.* and *Wilson v. AbbVie Inc.*, *Abbott Laboratories, Inc.*, *Auxilium Pharmaceuticals, Inc.* pending before this Court. I have a proven history of successful representation of Plaintiffs in complex civil litigation cases. I have continually demonstrated the necessary leadership skills and the ability to work cooperatively in time-consuming and complex litigation in a variety of fields, including, but not limited to, health care, products liability, consumer protection, antitrust, business torts, franchise violations and unlawful discrimination.

I meet the criteria set forth by the Manual on Complex Litigation and am well qualified to serve in leadership in this litigation. My experience in complex civil litigation has been recognized by appointment to leadership roles in numerous complex cases in federal and state court. I have tried in excess of 50 complex cases to judgment or verdict. As examples of my demonstrated commitment and leadership abilities, I have

served as lead counsel or appointed to the Executive Committee or appointed to the Steering Committee in a variety of complex civil litigation cases, including:

- In Re Managed Care, MDL 1334
- In Re Sulzer Hip Prosthesis And Knee Prosthesis Liability Litigation, MDL 1401
- In Re Lupron Marketing and Sales Practices Litigation, MDL 1430
- In Re Insurance Brokerage Antitrust Litigation, MDL 1663
- In Re OxyContin Antitrust Litigation, MDL 1603
- In Re Neurontin Marketing and Sales Practices Litigation, MDL 1629
- In Re Pharmacy Benefits Manager Antitrust Litigation, MDL 1782
- In Re Relafen Antitrust Litigation No 01-12239 (D. Mass)
- In Re U.S. Foodservice, Inc., Price Litigation, MDL 1894
- Tipsword v. IFDA Services Inc., (S.D.Ill. 09-cv-390) (\$58 million consumer class action)
- Havlish v. bin Laden, 03 MDL 1570 (S.D. NY) (\$6 billion judgment)
- Westgate Ford Truck Sales v. Ford Motor Company, 02-CV-483526 (Ohio Cir. Ct) (court appointed co-lead counsel class action on behalf of nationwide truck dealers)
- In Re Google AdWords Litigation, Docket No. 08-CV-03369 (N.D. CA)
- United States of America ex. Re. Mark Eugene Duxbury et al. v. Ortho Biotech Products, L.P., Docket No. 03-CV-12189-RWZ (D. Mass.) (Suit instituted for violations of the Federal Civil False Claims Act related to fraudulent Medicare reimbursement for the drug Procrit.)
- Barnes v. Canadian National, 04 C 1249 (N.D. Ill.) (Co-lead counsel in a class action lawsuit alleging racial discrimination.)
- Lee v. Allstate, Docket No. 03 LK 127 (Ill. Cir. Ct.) (Lead counsel in class action for breach of insurance contracts)
- Carter v. Allstate, Docket No. 02 L 717 (Ill. Cir. Ct.) (Co-lead counsel in class action involving auto insurers)
- Whitworth et al. v. Nationwide Mutual Insurance Co., Docket No. 00CVH-08-6980 (Oh. Ct Com. Pl.) (Co-lead counsel in class action involving auto insurers)
- Douglas Powers and Suzan McCarthy, et al. v. U.S. Department of Transportation, Agency, EEOC Case No.210-2002-6091X (Appointed lead counsel in administrative class action lawsuit for age and gender discrimination against the FAA, affecting about 600 supervisors at air traffic facilities around the country.)
- Marzalek v. Multimedia, Kane County Circuit Court, Illinois (Class counsel on nationwide class relating to late fees)
- Vulcan Golf, LLC. v. Google, Inc., Case No. 07-CV-3371 (N.D. Ill.) (Lead counsel in internet intellectual property case)
- Wolf v. Lakewood Homes, AAA Arbitration #11181Y0124406 (Lead counsel in AAA class arbitration.)

- Commonwealth of Kentucky v. 141 Internet Domain Names, Case No. 08-CI-1409 (Serving as lead counsel for the Commonwealth on the seizure of domain names related to internet gambling.)
- Potts v. United Parcel Facilities, Case No.: 06-cv-4766 (Lead counsel in a FLSA class action.)
- Paul Vernet Vennet v. American Intercontinental University Online, et al., Case No. 05-CV-04889 (Lead counsel in a FLSA class action.)
- Griffin v. Home Depot, 06-CU-4765 (ND. Ill.) (Lead counsel in a FLSA class action.)

My involvement in these cases not only demonstrates my knowledge of the relevant law, but also demonstrates a long history of effectively and cooperatively conducting complex litigation for the benefit of Class Plaintiffs, as well as my ability and willingness to commit to time-consuming litigation. In addition to possessing the necessary experience and attributes required of Lead Counsel or Co-Lead Counsel, I also bring considerable resources for the betterment of this litigation and the Class. As demonstrated in previous cases, my firm is able and willing to make the financial commitments necessary to successfully conduct litigation of this type.

It is respectfully submitted, I am qualified and willing to serve as Lead Counsel or Co-Lead Counsel in this matter. My commitment to employ the full resources of my firm in prosecuting this action on behalf of Plaintiffs will be a substantial aid to this litigation. As such, I ask the Court to allow me to serve as Lead Counsel.

Dated: July 3, 2014

Respectfully submitted,

FOOTE, MIELKE, CHAVEZ & O'NEIL, LLC

By: /s/ROBERT M. FOOTE

Robert M. Foote, Esq. (#03214325)
FOOTE, MIELKE, CHAVEZ & O'NEIL, LLC
10 West State Street
Suite #200
Geneva, Illinois 60134
Tel. No.: (630) 232-7450
Fax No.: (630) 232-7452

rmf@fmcolaw.com